

SEP 13 2001



UNITED STATES PATENT AND TRADEMARK OFFICE

#3

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

EXXONMOBIL RESEARCH AND ENGINEERING COMPANY
P.O. Box 900
Annandale, NJ 08801-0900

In re Application of :
RILEY, Kenneth L. *et al* :
Application No.: 09/869,985 :
PCT No.: PCT/US00/00992 :
Int. Filing Date: 14 January 2000 : DECISION
Priority Date: 15 January 1999 :
Attorney Docket No.: GJH-0006 :
For: PRODUCTION OF LOW SULFUR/LOW :
NITROGEN HYDROCRACKATES :

This decision is in response to the declaration filed with the national stage papers on 09 July 2001 which is treated as a submission under 37 CFR 1.42.

BACKGROUND

On 14 January 2000, applicants filed international application PCT/US00/00992 claiming priority to a United States patent application filed 15 January 1999.

On 14 August 2000, a Demand was filed with the International Preliminary Examination Authority electing the United States. The election was made prior to the expiration of 19 months from the priority date. Accordingly, the deadline for submission of a copy of the international application and payment of the basic national fee was extended to expire thirty months from the priority date, *i.e.*, 16 July 2001 (15 July 2001 was a Sunday).

On 09 July 2001, applicants filed a transmittal letter for entry into the national stage in the United States under 35 U.S.C. 371 which was accompanied by, *inter alia*, a declaration signed by three of the four co-inventors and Darlene Schuette as executrix for deceased co-inventor, William L. Schuette.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Here, applicants included a declaration signed by three of the four co-inventors and listing the other co-inventor, William Lee Schuette as deceased. The residence and citizenship of each co-inventor, including Mr. Schuette are listed on the declaration pursuant to 37 CFR 1.497(a)(3).

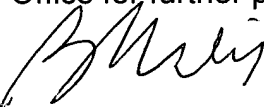
In addition, applicants included a page to the declaration titled "Added Page to declaration for Patent Application for Signature by Administrator (trix), Executor (trix) or Legal Representative on Behalf of Deceased or Incapacitated Inventor (37 C.F.R. §§ 1.42 and 1.43)" which was signed by Darlene Schuette as the executrix of the last will and testament of Mr. Schuette. The residence and citizenship of the executrix, Ms. Schuette are listed on this added page. Furthermore, since the residence of Ms. Schuette is listed as 9254 False River Road, New Roads, Louisiana, 70760, this has also been presumed to be the mailing address of Ms. Schuette as required by 37 CFR 1.497(b)(2). If this assumption is not correct, applicants must immediately notify the PCT Legal Office. For the reasons discussed above, the declaration complies with 37 CFR 1.497(a) & (b).

CONCLUSION

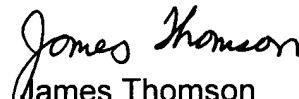
The papers filed under 37 CFR 1.42 are **ACCEPTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. § 371(c). The application has an international filing date of 14 January 2000, under 35 U.S.C. 363, and a 35 U.S.C. 371(c) date of **09 July 2001**.

This application is being forwarded to the United States Designated/Elected Office for further processing in accordance with this decision.



Boris Milef
PCT Legal Examiner
PCT Legal Office



James Thomson
Attorney Advisor
PCT Legal Office

Tel.: (703) 308-6457